

mobiles (to the extent this part permits such operation) within a specified area will be included in the authority for the MAS fixed master stations.

(c) [Reserved]

(d) For stations authorized under subpart H (Private Operational Fixed Point-to-Point Microwave Service), subpart I (Common Carrier Fixed Point-to-Point Microwave Service), and subpart L of this part (Local Multipoint Distribution Service), construction of new or modified stations may be initiated prior to grant of an authorization. As a condition to commencing construction under this paragraph (d), the Commission may, at any time and without hearing or notice, prohibit such construction for any reason. Any construction conducted under this paragraph is at the applicant's sole risk.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 68 FR 4955, Jan. 31, 2003]

§ 101.7 Eligibility for station license.

(a) A station license may not be granted to or held by a foreign government or by a representative of a foreign government.

(b) In the Common Carrier service, a station license may not be granted or held by:

(1) Any alien or the representative of any alien;

(2) Any corporation organized under the laws of any foreign government;

(3) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: Aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country; or

(4) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[61 FR 26677, May 28, 1996, as amended at 61 FR 55581, Oct. 28, 1996]

§ 101.17 [Reserved]

§ 101.21 Technical content of applications.

Applications, except FCC Form 175, must contain all technical information required by the application form and any additional information necessary to fully describe the proposed facilities and to demonstrate compliance with all technical requirements of the rules governing the radio service involved (see subparts C, F, G, I, J, and L of this part, as appropriate). The following paragraphs describe a number of technical requirements.

(a)-(d) [Reserved]

(e) Each application in the Private Operational Fixed Point-to-Point Microwave Service and the Common Carrier Fixed Point-to-Point Microwave Service must include the following information:

Applicant's name and address.

Transmitting station name.

Transmitting station coordinates.

Frequencies and polarizations to be added, changed or deleted.

Transmitting equipment, its stability, effective isotropic radiated power, emission designator, and type of modulation (digital).

Transmitting antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.

Transmitting antenna center line height(s) above ground level and ground elevation above mean sea level.

Receiving station name.

Receiving station coordinates.

Receiving antenna(s), model, gain, and, if required, a radiation pattern provided or certified by the manufacturer.

Receiving antenna center line height(s) above ground level and ground elevation above mean sea level.

Path azimuth and distance.

NOTE: The position location of antenna sites shall be determined to an accuracy of no less than ± 1 second in the horizontal dimensions (latitude and longitude) and ± 1 meter in the vertical dimension (ground elevation) with respect to the National Spatial Reference System.

(f) All applicants for regular authorization must, before filing an application, major amendments to a pending application, or modifications to a license, prior coordinate the proposed frequency usage with existing users in

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the area and other applicants with previously filed applications in accordance with the procedures in §101.103. In those frequency bands shared with the communication-satellite service, an applicant for a new station, for new points of communication, for the initial frequency assignment in a shared band for which coordination has not been previously effected, or for authority to modify the emission or radiation characteristics of an existing station in a manner that may increase the likelihood of harmful interference, must ascertain in advance whether the station(s) involved lie within the great circle coordination distance contours of an existing Earth station or one for which an application has been accepted for filing, and must coordinate his proposal with each such Earth station operator or applicant. For each potential interference path, the applicant must perform the computations required to determine that the expected level of interference to or from the terrestrial station does not exceed the maximum permissible interference power level in accordance with the technical standards and requirements of §25.251 of this chapter. The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with part 25 of this chapter, showing that harmful interference will not likely result from the proposed operation. (Technical characteristics of the Earth stations on file and coordination contour maps for those Earth stations will be kept on file for public inspection in the offices of the Commission's International Bureau in Washington, DC.)

(g) Each application in the Local Multipoint Distribution Service and 24 GHz Service must contain all technical information required by FCC Form 601 and any other applicable form or associated Public Notices and by any applicable rules in this part.

[61 FR 26677, May 28, 1996, as amended at 62 FR 23164, Apr. 29, 1997; 63 FR 68981, Dec. 14, 1998; 65 FR 38327, June 20, 2000; 65 FR 59357, Oct. 5, 2000; 78 FR 25176, Apr. 29, 2013]

§ 101.23 Waiver of rules.

Waiver of these rules may be granted upon application or on the Commis-

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sion's own motion in accordance with §1.925 of this chapter.

[63 FR 68981, Dec. 14, 1998]

§ 101.31 Temporary and conditional authorizations.

(a) *Operation at temporary locations.*

(1) Authorizations may be issued upon proper application for rendition of temporary service to subscribers under the following conditions:

(i) When a fixed station, authorized to operate at temporary locations, is to remain at a single location for more than 6 months, an application for a station authorization designating that single location as the permanent location shall be filed at least 90 days prior to the expiration of the 6 month period;

(ii) The station shall be used only for rendition of communication service at a remote point where the provision of wire facilities is not practicable within the required time frame; and

(iii) The antenna structure height employed at any location shall not exceed the criteria set forth in §17.7 of this chapter unless, in each instance, authorization for use of a specific maximum antenna structure height for each location has been obtained from the Commission prior to erection of the antenna. See §101.125.

(2) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 601. Blanket applications may be submitted for the required number of transmitters. An application for authority to operate a fixed station at temporary locations must specify the precise geographic area within which the operation will be confined. The area specified must be defined as a radius of operation about a specific coordinate (latitude/longitude), or as a county, or as a State. Exception to this specific requirement may be made for exceptionally large areas, such as the continental United States. Sufficient data must be submitted to show the need for the proposed area of operation.

(3) Operations in the 17.8–19.7 GHz band for any services and in the 17.7–17.8 GHz band for MVPD operations are prohibited in the areas defined in §1.924 of this chapter. Operations proposed in

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the areas defined in §1.924 of this chapter may not commence without prior specific notification to, and authorization from, the Commission.

(b) *Conditional authorization.* (1) An applicant for a new point-to-point microwave radio station(s) or a modification of an existing station(s) in the 952.95–956.15 and 956.55–959.75 MHz band segments; the 3700–4200, 5925–6425, 6525–6875, and 6875–7125 MHz bands; the 10.550–10.680, 10.700–11.700, 12.700–13.150, 13.200–13.250, 17.700–18.300, and 19.300–19.700 GHz bands; and the 21.800–22.000 and 23.000–23.200 GHz band segments (see §101.147(s)(8) for specific service usage) may operate the proposed station(s) during the pendency of its application(s) upon the filing of a properly completed formal application(s) that complies with subpart B of this part, if the applicant certifies that the following conditions are satisfied:

(i) The frequency coordination procedures of §101.103 have been successfully completed;

(ii) The antenna structure(s) has been previously studied by the Federal Aviation Administration and determined to pose no hazard to aviation safety as required by subpart B of part 17 of this

chapter; or the antenna or tower structure does not exceed 6.1 meters above ground level or above an existing man-made structure (other than an antenna structure), if the antenna or tower has not been previously studied by the Federal Aviation Administration and cleared by the FCC;

(iii) The grant of the application(s) does not require a waiver of the Commission's rules;

(iv) The applicant has determined that the facility(ies) will not significantly affect the environment as defined in §1.1307 of this chapter;

(v) The station site does not lie within 56.3 kilometers of any international border, within areas identified in §§1.924(a) through (d) of this chapter unless the affected entity consents in writing to conditional operation or, if for any services on frequencies in the 17.8–19.7 GHz band and for MVPD operations in the 17.7–17.8 GHz band, within any of the areas identified in §1.924 of this chapter;

(vi) If operated on frequencies in the 10.6–10.68 GHz band, the station site does not lie within any of the following regions:

Name of region	Dimensions = radius in kilometers	Center-point
Kitt Peak, Arizona	60	N31–57–22; W111–36–42
Big Pine, California	60	N37–13–54; W118–16–34
Vandenberg AFB, California	75	N34–43–00; W120–34–00
Denver, Colorado	150	N39–43–00; W104–46–00
Washington, DC	150	N38–48–00; W76–52–00
Eglin AFB, Florida	50	N30–29–00; W86–32–00
Mauna Kea, Hawaii	60	N19–48–16; W155–27–29
North Liberty, Iowa	60	N41–46–17; W91–34–26
Maryland Point, Maryland	60	N38–22–26; W77–14–00
Hancock, New Hampshire	60	N42–56–01; W71–59–12
Los Alamos, New Mexico	60	N35–46–30; W106–14–42
Pie Town, New Mexico	60	N34–18–04; W108–07–07
Socorro, New Mexico	160	N34–04–43; W107–37–04
WSMR, New Mexico	75	N32–23–00; W106–29–00
Minot AFB, North Dakota	80	N48–15–00; W101–17–00
Arecibo, Puerto Rico	160	N18–20–37; W66–45–11
Fort Davis, Texas	60	N30–38–06; W103–56–39
St. Croix, Virgin Islands	60	N17–45–31; W64–35–03
Brewster, Washington	60	N48–07–53; W119–40–55
Green Bank, West Virginia	160	N38–25–59; W79–50–24

Note: Coordinates are referenced to North American Datum 1983 (NAD83).

(vii) With respect to the 21.8–22.1 GHz and 23.0–23.3 GHz band, the filed application(s) does not propose to operate on a frequency pair centered on other than 21.825/23.025 GHz, 21.875/23.075 GHz, 21.925/23.125 GHz, 21.975/23.175 GHz,

22.025/23.225 GHz or 22.075/23.275 GHz and does not propose to operate with an E.I.R.P. greater than 55 dBm. The center frequencies are shifted from the center frequencies listed above for certain bandwidths as follows: add 0.005